

VZCZCXYZ0007
RR RUEHWEB

DE RUEHPF #0373 1560628
ZNR UUUUU ZZH
R 050628Z JUN 09
FM AMEMBASSY PHNOM PENH
TO SECSTATE WASHDC 0790

UNCLAS PHNOM PENH 000373

SENSITIVE
SIPDIS

STATE FOR EAP/MLS, OES/OPA

E.O. 12958: N/A

TAGS: [EFIS](#) [KSCA](#) [PREL](#) [SENV](#) [IWC](#) [CB](#)

SUBJECT: DEMARCHE DELIVERED: INTERNATIONAL WHALING COMMISSION AND US
PRIORITIES FOR 2009 ANNUAL MEETING

REF: STATE 57020

SENSITIVE BUT UNCLASSIFIED

¶1. (SBU) Econoff delivered reftel demarche and talking points June 5 to NAO Thouk, IWC Alternate Commissioner for Cambodia and Delegate of the Royal Government of Cambodia in Charge of Fisheries Administration, Ministry of Agriculture, Forests, and Fisheries. Mr. Nao praised Commissioner Dr. Hogarth, stating that the process and situation have improved under his leadership and suggested that the new Chair should be "someone just like him." He also spoke highly of the U.S. delegation's constructive role and flexibility on issues facing the IWC and the "Future of the IWC" talks. He also commented that having an expert in multi-lateral negotiations chairing the SWG has been effective.

¶2. (SBU) However, Mr. Nao was candid in his criticism of the severe polarization between the anti- and pro-whaling members, which he feels threatens the basic mandate of the IWC. In his view, the absence of a third way, one in which both sides are at a minimum willing to negotiate on issues, has significantly undermined the effectiveness of the Commission. Without both sides being willing to compromise (here he singled out Australia, New Zealand, Argentina, and Brazil as being intractable in their anti-whaling positions) there could be no consensus. He frankly stated that unless things change, there is no future for the IWC. Should the new Chair be inclined towards the anti-whaling camp, he said that there would be "no hope at all" for the future of the IWC.

¶3. (SBU) Regarding observers and the number of members, Mr. Nao was indifferent, stating that the participation of observers (which he welcomed) or a smaller number of members would be irrelevant unless these contributed in some way to achieving consensus. Whether there are 30 or 10 members, the Commission would still face the paralysis of polarization, he said.

¶4. (SBU) He criticized what he termed "double standards" of the Commission, citing the prohibition of secret voting on proposals but allowing secret voting on staffing issues, such as election of the Chair and Vice-Chair. He said that allowing members to vote by secret ballot on proposals would better facilitate the work of the Commission and assist members who face significant pressure to vote a particular way.

¶5. (SBU) He also criticized decisions of the Commission for being based on emotional and political not scientific grounds. Mr. Nao cited the Commission's rejection of Greenland's proposal to allow the taking of ten whales for aboriginal subsistence whaling, despite scientific evidence that such numbers would not impact the sustainability of stock. Outcomes such as these, he stated, undermine the credibility and very mandate of the IWC.

¶6. (SBU) He also expressed concern about the undue influence and pressure placed on members of the commission who are active politicians in their home countries, singling out Australia and New Zealand. He explained that their need to please public opinion back home constrains their ability to actively engage on issues to reach

a consensus. He suggested that the Commission could function more effectively if members were not politicians.

¶7. (SBU) Lastly, Mr. Nao commented on the unhelpful relationship between two member countries and Green Peace. He explained that while the Commission has condemned the activities of Green Peace on several occasions, he lamented that no disciplinary or corrective action has been taken by the countries with such responsibilities. He explained that the Netherlands is Green Peace's flag state and Australia is its port state. He suggested that it would "help a lot" for discussions in reaching consensus if these two states terminated their roles regarding Green Peace.

RODLEY